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HB287 (Alabama)

By Representatives Hammon, Grimes, Beck, Ward, Moore (P), McCutcheon, Mask, Clouse, McClendon, Canfield, Drake, Treadaway, Allen, Galliher, McClurkin, Hubbard, Love, Gipson and Davis

RFD Government Operations

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SYNOPSIS: This bill would prohibit the state or any political subdivision of the state from issuing or renewing the professional or commercial license of any person who is not lawfully present in the United States.

This bill would also provide for the confidentiality of secure and verifiable documents used to verify legal presence.

A BILL
TO BE ENTITLED
AN ACT

Relating to professional and commercial licenses; to prohibit the state or any political subdivision of the state from issuing or renewing the license of any person not lawfully present in the United States; and to require confidentiality of verification documents.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. (a) For purposes of this act, a secure and verifiable document is a document issued by a state or federal jurisdiction or recognized by the United States government and verifiable by federal or state law enforcement, intelligence, or a homeland security agency.

(b) For purposes of this act, an individual is unlawfully present in the United States if the individual is an alien who is not any of the following:

- (1) A qualified alien as defined in 8 U.S.C. § 1641.
- (2) A nonimmigrant under the federal Immigration and Nationality Act, Public Law 82-414, as amended.
- (3) An alien who is paroled into the United States under 8 U.S.C. § 1182(d)(5) for less than one year.

Section 2. Subject to the exemptions found in 8 U.S.C. § 1621(c)(2), to the extent that any license, permit, certificate, or other authorization to conduct business issued to a person by the state or an agency or political subdivision of the state constitutes a professional license or commercial license regulated by 8 U.S.C. § 1621, the license, permit, certificate, or other authorization may be authorized, issued, or renewed only if the person is lawfully present in the United States. Such authorization, issuance, or renewal shall be immediately denied if the person is determined to be unlawfully present in the United States. A person shall prove his or her identity with a secure and verifiable document. The state, agency,

~~or political subdivision~~ may not sell or utilize information contained in the secure and verifiable document for any purpose other than those specified in law and shall keep such information confidential unless disclosure is otherwise required by law.

Section 3. Nothing in this act shall be construed to limit public access to records that are available for public inspection pursuant to Chapter 13 of Title 41, Code of Alabama 1975.

Section 4. This act shall be enforced without regard to race, religion, gender, ethnicity, or national origin.

Section 5. This act shall apply to issuances, denials, renewals, and revocations of governmental authorizations made on or after the effective date of this act.

Section 6. This act shall become effective on the first day of the third month following its passage and approval by the governor, or its otherwise becoming law.

Licenses and Licensing

State Agencies

Counties

Municipalities

Boards and Commissions

Aliens

Illegal Aliens

Immigrants

Confidential Information

Records

State's proposed bill would be one of toughest on illegal immigrants
from Paul Nachman, Bozeman, in support of SB258 (Shockley)



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State's proposed bill would be one of toughest on illegal immigrants

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By Karen Middleton

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— A package of bills filed this past week before the Legislature, would give Alabama some of the toughest laws on the books in the nation against illegal immigration.

This is the second crack Rep. Micky Hammon, R-Decatur has taken at putting some teeth in the laws of a state that is home to an estimated 250,000 illegal immigrants.

Hammon's immigration package made it out of committee in the waning days of the regular 2006 session of the Legislature, but too late for a vote.

"It got out of committee last year, but it was so late and people dragged their feet and it didn't get to the floor a vote," said Hammon.

The legislator said three of the bills are from Gov. Bob Riley's Plan 2010. He said they stand a better chance of passage this year because legislators' constituents are demanding something be done about illegal immigration.

One of those who welcomes stiffer laws is Maria Taylor of Athens. Taylor, who is Hispanic, a U.S. citizen and civilian weapons system manager with the Army on Redstone Arsenal, has been an unofficial liaison with the Hispanic community for at least the last decade.

Taylor predicted there would be a "big time" impact on Hispanic workers here if the state cracks down on employers who are not requiring proof that aliens are in the country legally.

"Most people here are illegal," said Taylor. "But the business owners (who employ them) are also illegal. If it applies to one, it must apply to the other."

The bills

- HB 286 denies state economic incentives to employers who hire people who are in the country illegally
- HB 287 requires people applying for or renewing professional or commercial licenses to prove legal status.
- HB 288 requires immigrants 18 or older to prove they are legally in the country.
- HB 289 lets law enforcement officers impound vehicles of immigrants driving without a valid driver license, current vehicle insurance or proof of legal entry into the United States.
- HB 290, illegal immigrants would forfeit property when stopped for traffic violations unless the property were life-sustaining.
- HB 291, illegal immigrants who voted or tried to register to vote, or others who assisted in registering immigrants, would be committing a felony and fined.

Bills 289, 290 and 291, which were patterned after North Carolina laws, were in Hammon's 2006 package, he said.

"Now, these (2007 package) were patterned after Colorado's laws," said Hammon. "Most states are copying Colorado's laws because they have stood the test and held up."

HB 288 is similar to a Colorado law that denies non-essential services to adults but not to children. The prohibition does not apply to life-sustaining medical care or other exceptions in federal law. Hammon predicted that all the bills stand a good chance of speedy passage through both houses.

"During this last campaign, people heard from their constituents how important it was to have stricter laws," said Hammon. "They came back this year eager to get something done...I'm looking for a speedy result. We've spent a lot of time on rhetoric, but people want something done about it. People see (illegal aliens) all around them. They want action and they won't be satisfied until they get it."

HB 286 would put into law requirements that are now policy for contractors who want to do business with the state. The city of Athens will vote on an ordinance at its March 26 meeting that would require any contractor doing business with the city to provide proof that the company does not knowingly employ unauthorized

(over)

aliens and provisions for revoking the contract of any contractor the city finds in violation of this requirement. "I agree with the governor that this will be some of the toughest laws in the U.S.," said Hammon. "You will see illegals stop coming to Alabama and those that are here leave."

Stop hiring children

Taylor, who works with Saturday educational programs for Hispanics in Athens, said she is especially eager to see stricter identification requirements that would have the added benefit of preventing employers from hiring underage workers.

"I have mixed feelings about this," said Taylor, who served four years in the Women's Army Corps. "Lots of guys from Mexico and Guatemala are coming because there are no controls here, so they keep coming. Some come for a better life, but some come for alcohol and are drinking up all their money.

"And the companies, they know they are illegal. They are hiring children 12, 13 and 14 years old. I know because I help their parents. On Saturday, I ask them where their children are and they say they are working. Don't tell me that you're (employers) not going to recognize that someone is a 12 or 13 year old boy or girl." Hammon said his proposed legislation would be effective because it targets employers. "It hits them in the pocketbook," he said.

Governor's package

Riley has submitted three bills to the Legislature incorporating Hammon's bills with those of Senators Scott Beason, R-Blount, Jefferson and St. Clair counties, and Arthur Orr, R-Decatur.

"Alabama will always welcome those who follow the law when they enter our country, but we will not stand idly by and do nothing about those who don't," Riley said.

The three bills:

- Require adults seeking a government benefit from a state agency to be in the country legally. The verification of legal status includes three steps: producing a secure photo identification, having a sworn affidavit and having the application approved through the SAVE program – Systematic Alien Verification for Entitlements. SAVE enables government agencies and licensing bureaus to obtain immigration status information on individuals. Beason and Hammon are the bill's sponsors.
- Require employers to attest that they do not knowingly employ illegal aliens before their companies could qualify for state economic development grants or do business with state agencies. Orr and Hammon are the bill's sponsors.
- • Require that government entities issue and renew commercial and professional licenses, permits and similar authorizations only for those lawfully present in the U.S. Orr and Hammon are the bill's sponsors.

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Photos



During a rally in Huntsville last year, Hispanics across North Alabama supported their rights, including, as this sign says, the right "to work." A proposed statewide bill, as well as an ordinance being considered by Athens City Council members, would make it more difficult for employers to hire illegal immigrants. File photo